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ART. II. — THE MECKLENBURG DECLARATION OF INDEPENDENCE,
MAY 20, 1775.

1. *Documents showing that Mecklenburg County, North Carolina, declared Independence of Great Britain, May 20, 1775.* Raleigh: J. Gales and Son. 1822.
2. *The History of North Carolina from the Earliest Period.* By FRANÇOIS XAVIER MARTIN. 2 vols. New Orleans: A. T. Penniman & Co. 1829.
3. *The Declaration of Independence by the Citizens of Mecklenburg County on the 20th Day of May, 1775, with accompanying Documents.* Published by the Governor, under the Authority and Direction of the General Assembly of the State of North Carolina. Raleigh. 1831.
4. *A Defence of the Revolutionary History of the State of North Carolina from the Aspersions of Mr. Jefferson.* By JO. SEAWELL JONES. Boston. 1834.
5. *American Archives: Fourth Series. Containing a Documentary History of the English Colonies in North America, from the King's Message to Parliament, of March 7, 1774, to the Declaration of Independence by the United States.* By PETER FORCE. (Vols. I. — VI.) Washington. 1837–1846.
6. *Sketches of North Carolina, Historical and Biographical, illustrative of the Principles of a Portion of her Early Settlers.* By REV. WILLIAM HENRY FOOTE. New York: Robert Carter. 1846.
7. *Historical Sketches of North Carolina from 1584 to 1851. Compiled from Original Records, Official Documents, and Traditional Statements.* By JOHN H. WHEELER. Philadelphia: Lippincott & Co. 1851.
8. *The Mecklenburg Declaration of Independence. A Lecture delivered by the REV. FRANCIS L. HAWKS, D. D., LL. D., before the New York Historical Society at Metropolitan Hall, December 16, 1852.*

IN the year 1819 the “Raleigh Register” surprised its readers and the general public interested in historical inquiries with the announcement that the people of Mecklenburg County,

in the State of North Carolina, had, on the 20th day of May, in the year 1775, openly declared their independence of Great Britain, and in terms so similar to those employed by Mr. Jefferson in penning the National Declaration of July 4, 1776, as to create the suspicion that he had borrowed a portion of his phraseology from the earlier paper. The printed copy of the alleged Mecklenburg Declaration of Independence, as then given to the public for the first time, nearly forty-four years after the event it signalizes, was accompanied with an historical statement purporting to have been written contemporaneously with the original promulgation of the manifesto, and to recite the circumstances in which the manifesto had its origin and motive.

According to this statement, it would appear that in the spring of the year 1775 the leading personages of Mecklenburg County held several detached meetings, in which the sentiment was freely expressed that "the cause of Boston was the cause of all," and that the first shock of British power in its encroachments on American liberty, if not resisted there, would ultimately overwhelm the people of the whole continent in a common calamity. In this state of public sentiment, and moved, it is said, by the solicitations of others, Colonel Thomas Polk, the commanding officer of the Mecklenburg militia, issued an order to each captain's company in the county to elect two persons from their number who should act as delegates at a meeting to be held in the town of Charlotte, the county seat, on the 19th of May in that year, "for the purpose of devising ways and means to aid and assist their suffering brethren in Boston, and also generally to adopt measures to extricate themselves from the impending storm."

It is stated that a delegation from the militia companies met, in conformity with this order, at the time and place appointed, and, by a fortuitous coincidence, the news of the battle of Lexington, fought on the preceding 19th of April, was brought by express to the town of Charlotte on that same day. The tide of popular indignation, swollen, it is said, by this exciting intelligence, could no longer be restrained within the bounds of moderation, and so, "after a full and free dis-

cussion," the following Declaration of Independence was unanimously adopted by the delegates : —

" *Resolved*, That whosoever directly or indirectly abetted or in any way, form, or manner, countenanced the unchartered and dangerous invasion of our rights, as claimed by Great Britain, is an enemy to this country, to America, and to the inherent and inalienable rights of man.

" *Resolved*, That we, the citizens of Mecklenburg County, do hereby dissolve the political bonds which have connected us to the mother country, and hereby absolve ourselves from all allegiance to the British crown, and abjure all political connection, contract, or association with that nation, who have wantonly trampled on our rights and liberties, and inhumanly shed the blood of American patriots at Lexington.

" *Resolved*, That we do hereby declare ourselves a free and independent people, and of right ought to be a sovereign and self-governing association, under the control of no power other than that of our God and the general government of the Congress; to the maintenance of which independence we solemnly pledge to each other our mutual co-operation, our lives, our fortunes, and our most sacred honor.

" *Resolved*, That as we now acknowledge the existence and control of no law, or legal officer, civil or military, within the county, we do hereby ordain and adopt as a rule of life, all, each, and every of our former laws, wherein, nevertheless, the crown of Great Britain never can be considered as holding rights, privileges, and immunities or authorities therein.

" *Resolved*, That it is further decreed, that all, each, and every military officer in this county is hereby reinstated in his former command and authority, he acting conformably to these regulations. And that every member present of this delegation shall henceforth be a civil officer, namely, a justice of the peace, in the character of a "committee-man," to issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve peace, union, and harmony in said county; and to use every exertion to spread the love of country and fire of freedom throughout America, until a more general and organized government be established in this province."

It is further stated that a number of by-laws were adopted at the same time to protect the association from confusion, and to

regulate the general conduct of the people as citizens. The meeting and its deliberations lasted, we are told, far into the night of the 19th, and indeed it was not until two o'clock in the morning of the 20th of May that the work of the convention was completed.

A few days afterwards, proceeds the chronicler (still purporting to write on the 20th of May), Captain James Jack, of Charlotte, was deputed as a messenger to convey a copy of these resolves and proceedings to the Continental Congress then sitting in Philadelphia, as also to deliver a letter addressed to the North Carolina members in that body, — Messrs. Richard Caswell, William Hooper, and Joseph Hewes, — requesting them “to use all possible means to have the said proceedings sanctioned and approved by the general Congress.” On the return of Captain Jack, says the compiler of these annals, still professing to write under the date of the alleged Declaration, he reported that the proceedings were “individually approved by the members of Congress, but that it was deemed premature to lay them before the House.” And we are next informed that the regulations established at the time of the Declaration continued in force for months afterwards; that to them were due the subsequent harmony and exertions of the Mecklenburg people in the cause of liberty; that the acts of the delegation were also approved by the Council of Safety which met in the year 1776; and that from this delegation originated a court of inquiry whose jurisdiction, we are told, was “as unlimited as toryism” in the following years.

In the presence of such anachronisms the reader perceives at once that we are called to deal with a paper which, whatever may be said in defence of its genuineness or authenticity as an historical record, has been obviously antedated by its compiler. The date which it bears on its face is discredited by the nature of its contents. But the Declaration of Independence above given, and the historical memorandum published in the “*Raleigh Register*” of April 30, 1819, purported to be authenticated in their present shape by the following certificate: —

“The foregoing is a true copy of the papers on the above subject left in my hands by John McKnitt Alexander, deceased. I find it mentioned on file that the original book was burned April, 1800;

that a copy of the proceedings was sent to Hugh Williamson, in New York, then writing a history of North Carolina, and that a copy was sent to General W. R. Davie.

"J. McKNITT."

At the date of the first publication of this paper, in the year 1819, it was not known to the public, at least outside of North Carolina, that the signature of "J. McKnitt" stood for the name of Dr. Joseph McKnitt Alexander, a son of the John McKnitt Alexander from whom the paper purports to have been derived. Nor was it known at that time that the certificate itself differs in the most essential particulars from the certificate affixed by the same hand to the copy placed in the care of General Davie. It will subsequently appear that the document thus mysteriously hidden from sight for forty-odd years was very unfortunate in the auspices under which it emerged into publicity.

The paper, at its appearance, was greeted with universal expressions of amazement. Many among the most prominent actors of the Revolutionary era were then still living, and to them it came with an especial surprise. A copy having found its way to John Adams, he called the attention of Mr. Jefferson to the matter in a letter under date of June 22, 1819, in which he described it as "one of the greatest curiosities and one of the deepest mysteries that had ever occurred to him." "How is it possible," he added, "that this paper should have been concealed from me to this day? Had it been communicated to me in the time of it, I know, if you do not know, that it would have been printed in every Whig newspaper on this continent. You know that if I had possessed it I would have made the hall of Congress echo and re-echo with it fifteen months before your Declaration of Independence." *

The eloquent advocate of the Revolution expressed himself in these emphatic terms under the impression, of course, that the Mecklenburg resolutions were genuine, and that the historical statement accompanying them was authentic. But Mr. Jefferson, in his reply, written under date of July 9, 1819, avowed the opinion that the paper purporting to emanate from Mecklenburg was little better than "a very unjustifiable quiz."

* The Works of John Adams, Vol. X. pp. 380, 381.

In support of this opinion, he instanced the following grounds of suspicion : —

“It appeals to an original book which is burned ; to Mr. Alexander, who is dead ; to a joint letter from Caswell, Hewes, and Hooper, all dead ; to a copy sent to the dead Caswell,* and another sent to Dr. Williamson, now probably dead, whose memory did not recollect, in the history he has written of North Carolina, this gigantic step of its county of Mecklenburg.”

Mr. Adams, in writing again to another of his correspondents, Mr. William Bentley, on the 5th of July in that same year, and therefore before Mr. Jefferson’s reply could have been received, intimated the opinion that Mr. Jefferson must have seen the paper at the time of its appearance in 1775, because, adds Mr. Adams, “he has copied the spirit, the sense, and the expressions of it *verbatim* into his Declaration of the 4th of July, 1776.” †

In so writing, Mr. Adams referred, we need not say, to certain forms of expression which are common to the Declaration penned by Mr. Jefferson, and to the document purporting to have been uttered by the patriots of Mecklenburg on the 20th of May, 1775. It was perceived at once that such phrases as “dissolve the political bonds which have connected,” etc. ; “are, and of right ought to be,” etc. ; “absolve ourselves from all allegiance to the British crown” ; “we solemnly pledge to each other our mutual co-operation, our lives, our fortunes, and our most sacred honor,”—were too many in number and peculiar in structure to be accidental coincidences. And so a battle was joined, which lasted for many years, between those who, on the strength of the Mecklenburg paper, charged Mr. Jefferson with stealing from it these “choicest of his phrases,” and those who sought to vindicate him from this aspersion by impeaching the genuineness of the paper on the faith of which he was accused.

A little closer inquiry into the merits of this question would have disclosed to both parties that the issue between them was mistakenly joined. For, in point of fact, it is Richard Henry

* A mistake of Mr. Jefferson’s. He intended to designate General Davie, who was still living at that time.

† John Adams’s Works, Vol. X. p. 381.

Lee, and not Mr. Jefferson, who is responsible for the introduction of all these phrases into the Declaration of Independence, except one. The committee charged with the preparation of that Declaration had been instructed to draw it in conformity with the resolution passed by Congress on the 2d of July, 1776, which resolution, known to have been penned by Richard Henry Lee, ran as follows:—

“Resolved, That these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown; and that all political connection between them and the state of Great Britain is, and of right, ought to be, dissolved.”

It will be seen, therefore, that as between Mr. Jefferson and the author of the Mecklenburg Declaration, the only question that can arise under this head relates to the origin of the famous phrase in which they both enunciate the pledge of “lives, fortunes, and sacred honor.” And from this phrase we ought to rule out the words, “our lives and fortunes,” for the pledge of *these* was among the commonplaces of that time. It occurs *passim* in the political literature of 1775 and 1776. It would appear, then, that those who have sought to find in the Mecklenburg Declaration a “coigne of vantage” from which to discharge their arrows at Mr. Jefferson’s literary fame, have wasted their strength in an idle contention.*

A few years after Jefferson’s death, the controversy on this subject not having been yet composed, the Legislature of North Carolina took the matter in hand as an inquiry deeply concerning the legitimate pride of the State, if, as many believed, it could be shown by indubitable proofs that the patriotic citizens of Mecklenburg had been the first of all the American

* What gossamer fancies the human mind can weave when it invents both its facts and its explanations of them may be seen in a curious tractate published by the Rev. Dr. Thomas Smyth of Charleston, S. C., in the year 1847, under the title of the “True Origin and Source of the Mecklenburg and the National Declaration of Independence,” in which, assuming the genuineness of the former, he argues that the authors of both, in the common use of certain peculiar expressions, may have drawn their inspiration from a common source, to wit, the Confessions, Covenants, and Bands of the Scotch Presbyterians in the sixteenth and seventeenth centuries! Needless to add that Dr. Smyth made this remarkable discovery with a pair of Presbyterian spectacles.

people to formulate in express terms that full-voiced declaration which was not articulated by the chosen representatives of the United Colonies until thirteen months and more after the manifesto proclaimed at Charlotte in the "Old North State." The emulous North-Carolinian, noted among his countrymen as much for his modesty as his merit, not unnaturally dreamed again the dream of Joseph, and, as in a vision, saw his sheaf standing upright, and the sheaves of his brethren standing around and doing obeisance to his sheaf.

A committee of the General Assembly of North Carolina was appointed at the session of 1830-31 to "collate and arrange" all the documents accessible to them "touching the Declaration of Independence by the citizens of Mecklenburg," as also to collect new evidence in support of its genuineness and authenticity. The committee performed their task and submitted a report, in which they expressed the opinion that the testimonials they had gathered respecting the authenticity of the Declaration would be sufficient to "silence incredulity." We proceed to give a digest of this evidence, following the order in which the testimonials are published by the committee.

Captain James Jack, the bearer of the "Declaration" to the Continental Congress at Philadelphia, being interrogated in the year 1819, when he was eighty-eight years old, as to the part he had taken in this transaction, certifies that he delivered "a Declaration of Independence of May, 1775," to Richard Caswell and William Hooper, but does not fix its precise date, merely premising that he "was privy to a number of meetings" about that time.

Messrs. Alphonso Alexander, Amos Alexander, and J. McKnitt certify in the year 1830 that they had frequently heard William S. Alexander, deceased, say that he was in Philadelphia on the day that General Washington left that city to take command of the Northern army, and that he then met Captain Jack, who informed him that he [Captain J.] was there as "the bearer of the Declaration of Independence, made in Charlotte on the 20th day of May."

The Rev. Francis Cummins, writing in the year 1819, "cannot as to date be so particular as he could wish," but is "perfectly sure" that the Mecklenburg Declaration was prior to the 4th of July 1776.

General Joseph Graham, a son-in-law of John McKnitt Alexander,

certifies in the year 1830 that, as "a lad about half grown," he was present when the Declaration was passed, and he fixes its date at May 20. He recalls the interesting fact that one among the reasons offered for making the Declaration was "that the king or Ministry had, by proclamation, or some edict, declared the Colonies out of the protection of the British crown," and recites other incidents under this head.

Next comes an extract from an unpublished memoir by the Rev. Humphrey Hunter, purporting to be a manuscript account of the Revolutionary War in the South; but when the memoir was compiled we are not authentically informed. Mr. Hunter recites that the militia delegates met at Charlotte on the 19th of May, 1775; that they passed the Declaration in the shape ascribed to it by John McKnitt Alexander; that on the next day it was publicly read at the Court House door by Colonel Thomas Polk, and a copy then drawn off and sent to Captain Jack to Philadelphia. He further records that by-laws and regulations for the government of a standing Committee of Public Safety were enacted at the same time.

Messrs. George Graham, William Hutchison, Jonas Clark, and Robert Robinson, some time in the year 1819 or 1820, unite in a certificate, given at the request of Colonel William Polk (son of Colonel Thomas Polk), to the effect that the delegates met on the 19th of May, continued in session till late in the night of that day, and formed several resolves "which went to declare themselves and the people of Mecklenburg County free and independent." They express the belief that the Declaration was drawn by Dr. Ephraim Brevard, whom they name as the sole secretary of the meeting.

John Simeson in the year 1820, writing at the instance of Colonel William Polk, certifies, with the hesitation incident to what he calls "a precarious feeble old age," that he is inclined to think the Declaration was drawn by Dr. Brevard, "from his known talents in composition"; that "in substance and form it was like that great national act agreed on thirteen months after"; that it was passed "towards the close of May, 1775," and that he heard Colonel Thomas Polk read it, together with a long string of grievances and a military order "appointing three men to secure all the military stores for the county's use, — Thomas Polk, John Pfifer, and Joseph Kennedy."

Isaac Alexander, in the year 1830, certifies that he was present at Charlotte on the 19th and 20th of May when the delegates, Ephraim Brevard being secretary of the meeting, declared their independence of Great Britain.

Samuel Wilson certifies, without date, that the Declaration was made in May, 1775; that he was present, and heard it read from the Court House door.

John Davidson, in the year 1830, states that he was then "the only person living who was a member of that convention"; that "being far advanced in years and not having his mind frequently directed to that circumstance," he can give "but a very succinct history of the transaction," and this, too, although he was a delegate from the same company as John McKnitt Alexander. He is confident, however, that "the Declaration of Independence by the people of Mecklenburg was made public at least twelve months before that of the Congress of the United States."

James Johnson certifies in the year 1827, when he was seventy-three years old, to the general fact that Mecklenburg County "declared independence and sent a man to Philadelphia with the proceedings."

The foregoing digest comprises, we think, all the essential facts disclosed by this testimony. The testimony itself was held by the believers in the genuineness of the Mecklenburg Declaration to substantiate the fact that such a Declaration was actually made, and that it was passed on the 20th of May, in the year 1775. On the strength of this evidence Dr. Hawks, in his address delivered before the New York Historical Society on the 16th of December, 1852, held the following emphatic language:—

"First, then, no less than seven witnesses of the most unexceptionable character swear positively that there was a meeting of the people of Mecklenburg at Charlotte on the 19th and 20th days of May, 1775; that certain resolutions distinctly declaring independence of Great Britain were then and there prepared by a committee, read publicly to the people by Colonel Thomas Polk, and adopted by acclamation; that they were present and took part in the proceedings themselves, and that John McKnitt Alexander was a secretary of the meeting. These seven swear positively to the date, the 19th and 20th days of May, 1775. In addition seven others, equally above suspicion, swear that they were present at precisely such a meeting as that described above. . . . Well, then, here are fourteen unimpeachable witnesses, who, either by positive statements as to time, or by facts proved to have occurred on a particular occasion, *which facts do fix the time*; here, I say, are fourteen witnesses, who, if human

testimony can prove anything, do show beyond all peradventure that on the 20th of May, 1775, a certain paper was read and adopted in their hearing, whereby the people of Mecklenburg County did abjure allegiance to the British crown, and did declare themselves independent. Such a paper, then, was in existence on that day, and was in the possession of the secretary, John McKnitt Alexander."

If Dr. Hawks had wished to set the fallibility of human testimony in the light of a signal example he could not have written more to the purpose of those who would guard themselves against a too easy credulity in the case of his fourteen witnesses. With their published testimony before him he has, inadvertently we doubt not, misstated its most essential particulars. He speaks of them all as having been sworn. Not one of them was sworn. He says that seven of them swear that John McKnitt Alexander was a secretary of the meeting. Only one of them mentions Alexander as the sole secretary, and he was the son-in-law of that gentleman. One other mentions him as co-secretary with Brevard. Dr. Hawks says that seven of them swear to the precise date of the Declaration as May 20, 1775, and that the remaining seven certify to facts which "fix the time" at the same date. We shall soon see that the most significant of these facts directly rebut the inference that he draws in the premises. And if under the bias of a *parti pris* it was possible for a man of Dr. Hawks's perspicacity to fall into such loose allegations of supposititious fact, what might we not expect at the hand of witnesses, however honest, with minds laboring under the same prepossessions and staggering besides under the burden of years?

Hence this array of testimony did not avail to "silence incredulity" at the time of its official publication. There were still those who urged, by way of exception to its cogency, that no original manuscript or printed copy contemporaneous with the date of the alleged Declaration was now in existence. And the reference which, in default of such primary proofs, was made to copies at second hand served rather to mystify than to elucidate the question at issue. A copy, it is said, was given to Dr. Williamson, and Governor Stokes avers in the year 1831 that he "well recollects" to have seen it in Williamson's possession in the year 1793, "together with a letter from John

McKnitt Alexander"; but this copy has entirely disappeared. The copy given by Alexander to General Davie is certified to have been identical with that published in the year 1819. Besides all these copies, there is still another which first came to light in Martin's History of North Carolina, published in the year 1829. Martin's recension of the document is different from Alexander's, but nobody knows the source from which it is drawn. *Caput inter nubila condit.* Between these two copies—that of Martin and that of Alexander—there are material differences of phraseology in each resolution of the series composing the so-called Declaration, and one entire resolution contained in the Martin rendering is wanting in the Alexander version.

In view of these discrepancies, it was from the first an easy matter for the unbelievers in the genuineness of the so-called Mecklenburg Declaration of Independence to justify their incredulity by pleading that, as both the current versions could not be true copies of the original, it was competent to reject them both as unhistorical until the one should be authenticated to the exclusion of the other. After allowing all due weight to the testimony of the venerable men who alleged that they had participated in a meeting in which "independence" was declared, it still remained easy to object that such evidence could not be deemed conclusive when we reflect that they all testify on the strength of mere memory, after a lapse of more than forty or fifty years, concerning the peculiar phraseology and exact import of resolutions which they had heard only once, as read from the steps of a Court House.* And the attestation which they gave labored necessarily under the suspicion attaching to all testimony given in answer to leading questions, for they were not called to testify until their minds had been preoccupied by the publications made on this

* If anybody among those present might have been expected to remember the events of the alleged meeting, it was certainly Colonel William Polk, the son of Colonel Thomas Polk; yet we find one of the witnesses, John Simeson, to whom he had applied for information, replying to him as follows: "Yourself, sir, in your eighteenth year, and on the spot, — your worthy father the most popular and influential character of the county, — and yet you cannot state much from recollection." In point of fact, he left no written statement at all, but procured testimony to contradict some points of John McKnitt Alexander's story.

subject in the newspapers of the day between the years 1819 and 1830.* Moreover, we know how easy it is for men to accept and accredit as true anything which they do not distinctly perceive to be false, especially when their own inclinations jump with the prevalent emotions of the community in which they dwell. *Libenter homines id quod volunt credunt.*

While the question raised respecting the authenticity and genuineness of the Mecklenburg Declaration stood in the dubious attitude in which it had been left by the publication of the North Carolina Legislature, that indefatigable antiquarian and devoted student of American history, the late Peter Force, of Washington, in compiling materials for his "American Archives," came upon a series of declaratory resolutions adopted by "the Committee-men" of Mecklenburg County on the 31st of May, 1775. This manifesto, it appears, had been widely disseminated at the time of its promulgation, but the memory, as well of its existence as of its precise form and contents, had entirely faded away from the public mind soon after the Revolutionary War. It was seen at once by Mr. Force that these resolutions, comprising as they did in their terms a *virtual* declaration of independence, offered themselves as "the missing link" which might serve to identify the ambiguous tradition of North Carolina with a veritable fact in her documentary history.† A full copy of these resolutions reads as follows:—

CHARLOTTETOWN, MECKLENBURG COUNTY, May 31st, 1775.

This day the Committee of this county met and passed the following resolves:—

Whereas, By an address presented to His Majesty by both houses of Parliament in February last, the American Colonies are declared to

* Thus Captain James Jack begins his testimony as follows: "*Having seen in the newspapers some pieces respecting the Declaration of Independence by the people of Mecklenburg,*" etc. General Joseph Graham says the resolutions reported to the meeting were, "as near as I can recollect, in the very words *we have since seen them several times in print.*"

† Mr. Force announced the discovery of these resolutions in the "National Intelligencer" of December 18, 1838. He found them at first, as they had been partly reprinted, in the "New York Journal" of June 29, 1775, and subsequently he met with another condensed copy of them in the "Massachusetts Spy" of July 12 in that year. In the year 1847, Dr. Joseph Johnson found a copy of the

be in a state of actual rebellion, we conceive that all laws and commissions confirmed by or derived from the authority of the King and Parliament are annulled and vacated, and the former civil constitution of these colonies for the present wholly suspended, to provide in some degree for the exigencies of this county in the present alarming period, we deem it proper and necessary to pass the following resolves, viz. : —

I. That all commissions, civil and military, heretofore granted by the crown to be exercised in these colonies, are null and void, and the constitution of each particular colony wholly suspended.

II. That the Provincial Congress of each Province, under the direction of the great Continental Congress, is invested with all legislative and executive powers within their respective provinces, and that no other legislative or executive power does or can exist at this time in any of these colonies.

III. As all former laws are now suspended in this Province, and the Congress has not yet provided others, we judge it necessary, for the better preservation of good order, to form certain rules and regulations for the internal government of this county, until laws shall be provided for us by the Congress.

IV. That the inhabitants of this county do meet on a certain day appointed by the committee, and, having formed themselves into nine companies (to wit, eight for the county and one for the town), do choose a colonel and other military officers, who shall hold and exercise their several powers by virtue of the choice, and independent of the crown of Great Britain and former constitution of this province.

V. That, for the better preservation of the peace and administration of justice, each of those companies do choose from their own body two discreet freeholders, who shall be empowered each by himself, and singly, to decide and determine all matters of controversy arising within said company, under the sum of twenty shillings, and jointly and together all controversies under the sum of forty shillings, yet so as their decisions may admit of appeal to the Convention

entire series in the "South Carolina Gazette" of June 13, 1775; and Mr. Bancroft, while Minister of the United States at London, discovered in the British State Paper Office another copy of the entire series as preserved in the same journal, which, it appears, had been transmitted to the British Secretary of State by the colonial governor of Georgia in the year 1775, that "his Lordship might see the extraordinary resolves of the people of Charlottetown in Mecklenburg County." Governor Martin, of North Carolina, also sent a copy to the British Secretary on the 30th of June in the same year.

of the Select Men of the county, and also that any one of these men shall have power to examine and commit to confinement persons accused of petit larceny.

VI. That those two Select Men thus chosen do jointly and together choose from the body of their particular company two persons to act as constables, who may assist them in the execution of their office.

VII. That upon the complaint of any persons to either of these Select Men, he do issue his warrant directed to the constable, commanding him to bring the aggressor before him to answer said complaint.

VIII. That these select eighteen Select Men thus appointed do meet every third Thursday in January, April, July, and October at the Court House in Charlotte, to hear and determine all matters of controversy for sums exceeding 40s., also appeals; and in case of felony to commit the person convicted thereof to close confinement until the Provincial Congress shall provide and establish laws and modes of proceeding in all such cases.

IX. That these eighteen Select Men thus convened do choose a clerk to record the transactions of said convention, and that said clerk, upon the application of any person or persons aggrieved, do issue his warrant to any of the constables of the company to which the offender belongs, directing said constable to summon and warn said offender to appear before said convention at their next sitting to answer the aforesaid complaint.

X. That any person making complaint, upon oath, to the clerk, or any member of the convention, that he has reason to suspect that any person or persons indebted to him in a sum above forty shillings intend clandestinely to withdraw from the county without paying the debt, the clerk or such member shall issue his warrant to the constable, commanding him to take said person or persons into safe custody until the next sitting of the convention.

XI. That when a debtor for a sum above forty shillings shall abscond and leave the county, the warrant granted as aforesaid shall extend to any goods or chattels of said debtor as may be found, and such goods or chattels be seized and held in custody by the constable for the space of thirty days, in which time, if the debtor fail to return and discharge the debt, the constable shall return the warrant to one of the Select Men of the company, where the goods are found, who shall issue orders to the constable to sell such a part of said goods as shall amount to the sum due.

That when the debt exceeds forty shillings, the return shall be made to the convention, who shall issue orders for sale.

XII. That all receivers and collectors of quit rents, public and county taxes, do pay the same into the hands of the chairman of this committee, to be by them disbursed as the public exigencies may require, and that such receivers and collectors proceed no further in their office until they be approved of by, and have given to, this committee good and sufficient security for a faithful return of such moneys when collected.

XIII. That the committee be accountable to the county for the application of all moneys received from such public officers.

XIV. That all these officers hold their commissions during the pleasure of their several constituents.

XV. That this committee will sustain all damages to all or any of their officers thus appointed, and thus acting, on account of their obedience and conformity to these rules.

XVI. *That whatever person shall hereafter receive a commission from the crown, or attempt to exercise any such commission heretofore received, shall be deemed an enemy to his country ; and upon confirmation being made to the captain of the company in which he resides, the said company shall cause him to be apprehended and conveyed before two Select Men, who, upon proof of the fact, shall commit said offender to safe custody, until the next sitting of the committee, who shall deal with him as prudence may direct.*

XVII. That any person refusing to yield obedience to the above rules shall be considered equally criminal, and liable to the same punishment as the offenders above last mentioned.

XVIII. That these resolves be in full force and virtue until instructions from the Provincial Congress regulating the jurisprudence of the province shall provide otherwise, or the legislative body of Great Britain resign its unjust and arbitrary pretensions with respect to America.

XIX. That the eight militia companies in this county provide themselves with proper arms and accoutrements, and hold themselves in readiness to execute the commands and directions of the General Congress of this province and this committee.

XX. That the committee appoint Col. Thomas Polk and Dr. Joseph Kennedy to purchase three hundred pounds of powder, six hundred pounds of lead, one thousand flints, for the use of the militia of this county, and deposit the same in such place as the committee may hereafter direct.

Signed by order of the committee,

EPH. BREVARD,
Clerk of the Committee.

It will be seen that these resolutions do not formally declare independence, but they assume its existence as an accomplished fact which had been brought about by the then existing posture of events. They premise as their basis that the British Parliament by declaring the Colonies in a state of actual rebellion had left the people of America free to assume that all laws and commissions emanating from the king or Parliament were annulled and vacated, and that the former civil constitution of the Colonies was, for the present, wholly suspended. To provide for the exigencies thus created in Mecklenburg County, they ordain that all civil and military commissions heretofore granted by the crown are null and void, and the constitution of each particular Colony wholly suspended; that all legislative and executive powers were then vested in the Provincial Congress of each Colony under the direction of the Continental Congress; that as all former laws were then suspended in North Carolina, and as the Congress of the Province had not yet provided others, the people of Mecklenburg should proceed to form certain rules for the internal government of the county until laws should be provided by the Congress; that the military officers of the county when chosen by the people should hold and exercise their several powers by virtue of the popular choice, "*and independent of the crown of Great Britain and former constitution of this Province*"; that whatever person should hereafter receive a commission from the crown or attempt to exercise any such commission heretofore received should be deemed an enemy to his country; that these resolutions should be "in full force and virtue until instructions from the Provincial Congress regulating the jurisprudence of the Province should provide otherwise, *or the legislative body of Great Britain resign its unjust and arbitrary pretensions with respect to America*"; and finally, as an evidence that these resolutions were not meant to be *brutum fulmen*, they direct the eight militia companies of the county to provide themselves with proper arms and accoutrements, and Colonel Thomas Polk and Dr. Joseph Kennedy were appointed to purchase on behalf of the county three hundred pounds of powder, six hundred pounds of lead, and one thousand flints.

With these resolutions before us, we are now able to perceive

that some of the aged men who between the years 1819 and 1830 certified that they were present at a meeting in Charlotte on the 20th of May, 1775, and that the so-called Mecklenburg Declaration of Independence was then and there adopted, must be understood to have had the meeting of May 31, and the declaration then made, in the intendment of their minds. This is made apparent, not only by the general drift of the later manifesto, meeting, as it does, the precise conditions of the problem then presented to the minds of the American people, but also by certain particular facts to which these witnesses refer as having happened contemporaneously with the date of the Declaration, whatever may have been its substance or form.

For instance, General Joseph Graham, one of the most intelligent in their number, informs us that among other reasons offered at the time for making the Declaration was the fact that "the king or Ministry had, by proclamation or some edict, declared the Colonies out of the protection of the British crown." Now, this statement is doubtless inspired by a reminiscence of the proposition contained in the preamble of the series adopted on the 31st of May; for that preamble substantially embodies the very reason which General Graham says he remembers to have been put forth in justification of the Declaration at the time it was made. Yet he says that the Declaration took place on the 20th of May, while making it plain that his recollections were reverting to the meeting and manifesto of May 31. The whole discussion, which he rehearses as being contemporaneous with the "Declaration," precisely fits the political situation revealed by that document. The echoes of the meeting held on that day must have been still ringing in his ears when he reproduced the debates of the village hustings. He was only slightly mistaken in the address he gave to them.

In like manner, Mr. John Simeson, in affirming that three men, Thomas Polk, John Pfifer, and Joseph Kennedy, were appointed to secure military stores for the county, on the same day when the Declaration was promulgated, must have meant to designate the meeting held on the 31st of May, for it was on that day that such a committee as he describes was created,

and he erred only in adding one name too many to the list of its members.

The repeated references, moreover, which the witnesses make to the "setting up a government for themselves under the title of the Committee of Safety," clearly point to the series of May 31. And the representations contained under this head in the so-called Declaration of May 20, and in its accompanying historical appendix, as transmitted by John McKnitt Alexander, are obviously nothing more than the "counterfeit presentments" of a memory striving to reproduce the authentic transactions of May 31. Else we must believe that Mecklenburg regulated "the general conduct of her citizens" twice, at the two dates, which stand only ten or eleven days apart.

Besides all this, the preponderance of the testimony borne by the witnesses with respect to the person who acted as secretary of the meeting which "declared independence" points rather to the meeting of May 31 than to that alleged to have been held on the 20th preceding. By only one witness is John McKnitt Alexander named as the clerk of the convention, while by six Dr. Ephraim Brevard is so designated, and another witness names them both in this relation. As we have record proof that Dr. Brevard was secretary of the meeting which passed the resolves of May 31, it certainly seems most probable that those who certify to his presence as secretary at a meeting in which a declaration of independence was adopted have slightly antedated and confounded their recollections by identifying them with the published document of the year 1819, which, till the year 1837, assumed to wear, without a rival, all the dignities of a great event, in the annals of Mecklenburg.

It will thus be seen that the most significant facts proved to have occurred contemporaneously with the Mecklenburg manifesto, whatever its date and whatever its purport may have been, "and which facts do fix the time," in the idea of Dr. Hawks (and in fixing the time ascertain also the nature of the declaration), are precisely the grounds on which we now can demonstrate that it was the meeting and declaration of May 31 to which the memory of these witnesses was involuntarily recurring. Even in assenting to another date and another transaction, they certify to facts which explode the very hypothesis they were cited to confirm.

But we are not left to rely only on historical probabilities and inferential reasoning in support of the opinion that it was the manifesto of May 31, and not one alleged to have been made on the 20th of that month, which was despatched by a messenger to the Continental Congress at Philadelphia. Whatever was the paper thus forwarded, we know that Captain Jack was its bearer, and we have positive contemporaneous evidence that the paper which he bore was the series of resolves passed on May 31.

Before these resolves had been discovered by Mr. Force, it was historically known that Josiah Martin, the colonial governor of North Carolina, in a proclamation under date of August 8, 1775, written on board a British gunboat, the *Cruiser*, had aimed some very wrathful thunderbolts against the seditious practices of the North Carolina people, and among the proceedings signalized for special reprobation are "the resolves of a set of people styling themselves a Committee of the County of Mecklenburg." He wrote: —

"I have seen a most infamous publication in the 'Cape Fear Mercury,' importing to be resolves of a set of people styling themselves *a Committee of the County of Mecklenburg, most traitorously declaring the entire dissolution of the laws, government, and constitution of this country*, setting up a system of rule and regulation repugnant to the laws and subversive of his Majesty's government."

Now, it was not known until the resolutions of May 31, 1775, had been brought to light, that there was any Mecklenburg manifesto about that time which could answer to the description of Governor Martin, except the resolves purporting to have been passed on the 20th of May. Hence it was held, not without much plausibility on the part of those who believed in the genuineness of the latter, that Governor Martin must have had a copy of *them* before him when he penned the above-cited paragraph. Mr. Jones so argued in his "Revolutionary History of North Carolina," published in the year 1834; and Dr. Hawks took up the same parable on this point in his first publication on the "Mecklenburg Declaration," in the "New York Review" of March, 1837.

It ought to have been seen that the paper of May 20, restricted as it is in its scope to Mecklenburg County, could not

have been intended by Governor Martin when he denounced a paper "declaring the entire dissolution of the laws, government, and constitution of *this country*"; but after the discovery of the later resolutions, no room was left for a doubt that it was to them the governor alluded in his proclamation. And thus what Mr. Jones had called "the best evidence of the truth" of the earlier Declaration was cut away under his feet. For the presumption that it was to them Governor Martin referred did not long remain a mere presumption; it was turned into a certainty by the discovery subsequently made, that just before the date of his proclamation he had transmitted a copy of the resolves of May 31 to Lord Dartmouth, the British Secretary of State for the Colonies, as being identical with the copy sent off by express to Philadelphia. Mr. Bancroft found the original of this letter in the British State Paper Office. It was written by Governor Martin from Fort Johnston, in North Carolina, under date of June 30, 1775, and contains the following important reference to this topic: —

"The resolves of the *Committee of Mecklenburg*, which your lordship will find in the inclosed newspaper, surpass all the horrid and treasonable publications that the inflammatory spirits of this continent have yet produced; and your lordship may depend its authors and abettors will not escape whenever my hands are sufficiently strengthened to attempt the recovery of the lost authority of government. A copy of THESE resolves, I am informed, was sent off by express to the Congress at Philadelphia as soon as they were passed in the committee."

With such contemporaneous evidence before us, we are prepared to assert positively that the paper borne by Captain Jack to the Continental Congress was the manifesto of May 31, and not the alleged Declaration of May 20, which was never printed till the year 1819. It is not often easy to prove a negative, but, in the present case, we are able to prove that it was *not* the "resolves of May 20" which were sent, by proving that it was a later set of resolves which was sent. And as it is agreed on all hands that if there was any declaration of independence made by the people of Mecklenburg in the year 1775, it must be sought in the paper that was sent to Philadelphia, it follows that there was no such declaration as has been imagined; for all admit that the paper of May 31

does not amount to a formal assertion of independence, brave and magnanimous as are its declarations of fact and principle.

It is easy to understand, but not easy to justify, the motives which have led the believers in the genuineness of the so-called resolves of May 20 to vilipend those of May 31. Thus Dr. Hawks, in an address delivered at Charlotte on the 20th of May, 1857, in celebration of the "anniversary of the Mecklenburg Declaration of Independence," has argued that as the document of May 31 "shows that the men who adopted it were not fools," a question presents itself which, as he thinks, it is not easy for those to answer who disbelieve in the existence of "the greater declaration." That question, as he formulates it, is this: —

"How could men, not fools, suppose it was of the slightest moment to the Continental Congress of all the Colonies in America to know how Mecklenburg County, in North Carolina, appointed her constables and justices of the peace, the extent of jurisdiction given to the latter, the mode of dealing with petty rogues and runaway debtors, and similar matters? What did the Continental Congress care for all these things?"

Forbearing criticism on the singular inaccuracy of Dr. Hawks in thus belittling the resolves of May 31 by taking no account of their continental features, we beg leave to say that the matter which he thinks so piddling was then (in 1775) the great question of the hour in America. The people of Massachusetts are not commonly supposed to have been "fools" at this juncture, and yet it is known that the Congress of this Colony sent a "special post" on the 11th of June, 1775, to confer with the Continental Congress on this very subject,—the necessity of concerting some form of civil government to take the place of that which had lapsed under the then existing rupture between the Colonies and the crown; and this "post" from Massachusetts must have been in Philadelphia about the same time with Captain Jack from Mecklenburg.* Cumberland County in New York asked for directions under this same head at the hands of its Colonial Congress on the 6th of June, 1775.† The proceedings of the Virginian House of

* See American Archives, Fourth Series, Vol. II. pp. 621, 955, and 960. Cf. p. 1842.

† Ibid., p. 918.

Burgesses on the 14th of June, 1775, were entirely occupied with this emergency of the political situation.* Everywhere in America this was the problem that most engaged the thoughts of men, perplexed as they were by the difficulties incident to that epoch of transition. The people of Mecklenburg were the first to cut this Gordian knot by their incisive declarations made and promulgated on the 31st of May, 1775. It is strange that their descendants should be willing to tarnish this singular ornament on the armorial shield of their county to make room for a doubtful quartering. It was not till months after May, 1775, as we learn from the annals of that time, that the delegates in the Continental Congress were ready for the step initiated by Mecklenburg.† The great mass of the people of North Carolina were not ready for this step, insomuch that when the delegates from Mecklenburg in the next Provincial Congress were charged by some "instructions" drawn up by Dr. Ephraim Brevard to vote for the application of these principles to the whole Colony, they effected nothing in that direction.‡

Having thus shown that the intrinsic importance of the document, because of the relation it bore to the political situation of the American Colonies in the year 1775, conspires with the documentary proof and with Governor Martin's information, obtained at the time, to demonstrate that it was the resolves of May 31 which the Mecklenburg courier bore to Philadelphia, we may add, *ex abundantia*, that all these indications are corroborated by the fact that so much of these resolves as was of general interest — to wit, the preamble, the first four resolutions, and the sixteenth in the series — was reprinted at the North contemporaneously with Captain Jack's sojourn near the Continental Congress. It will be remembered by the reader that among the witnesses cited by the North Carolina Legislature in the year 1830, three men testify that "they frequently heard William S. Alexander, deceased, say that he was at Philadelphia on mercantile business in the early part of the summer of 1775, say June; and that on the day that General Washington left

* See American Archives, Fourth Series, Vol. II. pp. 1210–1215.

† Ibid., Vol. IV. pp. 1136–1140.

‡ See these remarkable "instructions" in Foote's Sketches, p. 70.

Philadelphia to take command of the Northern army, he, the said William S. Alexander, met with Captain James Jack, who informed him, the said William S. Alexander, that he, the said James Jack, was there as the agent or bearer of a declaration of independence, made in Charlotte on the 20th day of May, 1775, by the citizens of Mecklenburg."

It is historically known that General Washington set out from Philadelphia to take command of the army at the North on the 23d of June, 1775. Captain Jack, it appears, was in Philadelphia at that time as the bearer of a declaration made by the citizens of Mecklenburg, and less than a week afterwards we know that the essential portions of the declaration of May 31 were published in the Northern newspapers.

It is admitted that the resolutions of May 20 were not published at the time of their alleged adoption, nor until more than forty years afterwards. And yet we are asked to believe that while the resolves of May 31, though pitched on a much lower key of patriotic rhetoric, were widely disseminated at the time of their promulgation, spreading, as we know they did, from South Carolina to Massachusetts, none were found that "moved the wing, or opened the month, or peeped," to give publicity to the more magniloquent manifesto. No wonder that John Adams, on his "sober second thought," came to believe that the Alexander version of the Mecklenburg Declaration was an impossibility. To this effect he wrote as follows, under date of August 21, in the year 1819, and therefore not very long after the first publication of Alexander's story:—

"I was on social and friendly terms with Caswell, Hooper, and Hewes, every month of their existence in Congress; with Hooper, a Bostonian, and a son of Harvard, intimate and familiar. Yet from neither of the three did the slightest hint of these Mecklenburg resolutions ever escape. Is it possible that such resolutions should escape the vigilant attention and the scrutinizing, penetrating minds of Patrick Henry, R. H. Lee, Mr. Jefferson, Mr. Gadsden, Mr. Rutledge, Mr. Jay, Mr. Sherman, Mr. Samuel Adams? *Haud credo*. I cannot believe that they were known to one member of Congress on the 4th July, 1776." *

In so reasoning Mr. Adams did but draw an inference justi-

* The Works of John Adams, Vol. X. p. 383.

fied by a logical conversion of the legal maxim which declares that *de non apparentibus et non existentibus eadem est ratio*. This "Mecklenburg Declaration of Independence" did not "put in an appearance" at Philadelphia, and hence he held that this fact, under the circumstances, established a negative pregnant against its existence in the year 1776. And what is clear in the case of Mr. Adams is confirmed, not only by the silence of all contemporary witnesses, but by the express statements of some persons in North Carolina who were in a position where they must have heard of the Declaration if it had ever existed, but who testify in the years 1776 and 1777 that no such Declaration had come to their knowledge. For instance, it is incredible that so intelligent a citizen of North Carolina as James Iredell, afterwards appointed by President Washington one of the justices of the Supreme Court of the United States, should not have known of this manifesto, if it really appeared in the year 1775. Iredell was the early and intimate correspondent of William Hooper. He was the brother-in-law and constant correspondent of Samuel Johnston, that eminent North Carolina patriot who more than any other was the leader of his people in the years 1775 and 1776, and who, as the President of the North Carolina Provincial Congress during these years, was the associate of Colonel Thomas Polk, John McKnitt Alexander, and other alleged signers of the Mecklenburg Declaration. And yet we have the deliberate statement of Iredell, *made in the year 1777*, that "until very near the time" when "the arbitrary obstinacy" of the king left "no other alternative than indefinite submission or unreserved resistance," he "never heard a man speak on the subject of independence who did not speak of it with abhorrence and indignation."* This positive testimony makes it impossible to believe that a whole county of North Carolina had publicly declared independence in the year 1775.

And it cannot be said that these resolutions were not known at the time because "they were deemed too violent," or because "a secret was made of their existence," for the resolutions really sent to Philadelphia were not only communicated

* See McRee's *Life and Correspondence of James Iredell*, Vol. I. p. 344. Cf. pp. 321, 322, 323.

to the North Carolina members of Congress, but were allowed by Captain Jack to be publicly read while he was on his way northwards. He recites in his testimony that when passing through the town of Salisbury (the county-seat of Rowan, about forty miles from Charlotte), on his journey to Philadelphia, he found the General Court in session, and, "at the request of the Court, he handed a copy of the resolutions to Colonel Kennon, an attorney, and they were read aloud in open Court." He further recites that on the evening after the public reading of the resolutions, two gentlemen, whom he names, called on him at his lodgings, and informed him that they had heard of but one person who did not approve of them, — a fact, by the way, of much significance in this discussion. For it is on record that the Committee of Rowan County, *on the 1st day of June, 1775*, had addressed a special communication to the Committee of Mecklenburg County, asking for an interchange of political proceedings, and expressing the pious hope that, in answer to their united prayers, the people of the two counties might be allowed to have their chartered rights as British subjects, "with the present House of Hanover in legal succession" as the defenders of those rights.* If there had been a Declaration of Independence at Charlotte on the 20th of May, 1775, it is impossible that the fact should not have been known at Salisbury, forty miles distant, twelve days afterwards, and, in that event, the Rowan Committee would not have been so indiscreet as to plight the allegiance of their Mecklenburg compatriots to the House of Hanover.

Having thus traced the authentic history of the paper that was actually sent to Philadelphia, and having shown that the contemporaneous documentary evidence, that the historical surroundings, that the internal proofs, and that even the most salient facts contained in certificates procured to establish a contrary hypothesis all point to the declaration of May 31, 1775, as being the only one entitled to credence as a genuine document, we might here safely rest our argument and dismiss the further discussion of this long-mooted topic. But if enough has been said to lead irresistibly to the conclusion that the so-

* See Wheeler's History of North Carolina, p. 365.

called Declaration of May 20 is unhistorical and spurious, it still remains to show that the honor of the Mecklenburg patriots is pledged to the same demonstration. For it is impossible to believe in the verity of the alleged Declaration of May 20, without binding ourselves, in the light of their subsequent conduct, to convict its assumed authors and abettors of base defection from principle, and of moral perjury.

It has been urged, indeed, by Dr. Hawks and others, in their defence of the alleged Declaration of May 20, that the resolves of the following May 31 proceed on the assumption of the independence declared at the earlier date. To this effect, referring to the resolves of May 31, Dr. Hawks says:—

“The whole document, . . . as it shows upon its face, is the necessary *consequence* of a previous declaration of independence and dissolution of connection with the parent country, but will scarcely pass for a declaration of independence itself.”

This statement, we submit, exactly inverts the logical relations of the two papers, and flies in the face of evidence lying upon the surface of both. The preamble of the series passed on the 31st of May expressly states the assumption on which the resolutions of that date proceed, and this assumption is no antecedent declaration of the people of Mecklenburg, but a declaration of the British Parliament with regard to the political status of the American Colonies. If there had been a declaration of independence on the 20th of May, is it at all probable that its authors would have ignored the existence of the fact eleven days afterwards? But, sooth to say, the alleged resolves of May 20 are not simply *ignored*,—the hypothesis of their existence is absolutely *excluded* by the particular contents and general tenor of that later series which we know to be authentic.

The resolves of May 31, so far from contemplating anything like a formal or definitive separation from Great Britain, distinctly avow that they are meant to be purely provisional, temporary, and contingent in their “force and virtue.” They declare that the former civil constitution of the Colonies is wholly suspended “for the present,” and enact certain regulations for Mecklenburg until “the Provincial Congress shall provide otherwise, *or until the legislative body of Great Britain*

resign its unjust and arbitrary pretensions." If, then, the patriots of Mecklenburg *did* proclaim independence on the 20th of May, 1775, they took back their parlous words on the 31st of May, ten or eleven days afterwards. Were they heroes of the Bob Acres sort, that such an imputation should be fastened to their honorable names on no better evidence than that of a legend which is discredited equally by contemporaneous history and by their own acknowledged acts and principles?

But the argument on this point does not end here. The prime movers in the alleged Declaration of May 20 are said to have been Colonel Thomas Polk and John McKnitt Alexander. Among the putative signers of the paper, besides these conspicuous names, we find the names of Waightstill Avery and John Pfifer, whom we otherwise know to have been leading patriots of Mecklenburg at that time.

Now, it so happens that the four men whose names we have thus particularized were elected to represent the county of Mecklenburg in the Provincial Congress of North Carolina, which met at Hillsborough on the 20th of August, 1775, only a few months after, as tradition affirms, the people of that gallant county had solemnly and irrevocably declared themselves independent of the British crown. If there was a Declaration of Independence such as that represented by the paper of May 20, we may be sure that these men would not forswear it in the Legislature of their native Colony, and before the eyes of their countrymen.

How, then, let us ask, did these Mecklenburg representatives demean themselves in that Provincial Assembly? As independent citizens or as loyal subjects of King George III.? On these points let us refer to the law and to the testimony; that is, to the official minutes of this North Carolina Provincial Congress.

It appears, then, that on the 21st of August, 1775, Messrs. Thomas Polk, John McKnitt Alexander, John Pfifer, Waightstill Avery, Samuel Martin, and James Houston — all reputed signers of the alleged Declaration except the two last named — appeared and took their seats in that body as delegates from Mecklenburg. On the 23d of August a committee, previously appointed for that purpose, reported a *Test*, which they had

prepared to be signed by all the members of the Congress in affirmation of their loyalty to the crown, and in testimony to what they conceived to be their constitutional and hereditary rights as British subjects. The Test ran as follows : —

“ We, the subscribers, *professing our allegiance to the king, and acknowledging the constitutional executive power of government*, do solemnly profess, testify, and declare that we do absolutely believe that neither the Parliament of Great Britain nor any member or constituent branch thereof have a right to impose taxes upon these Colonies to regulate the internal policy thereof; and that all attempts by fraud or force to establish and exercise such claims and powers are violations of the peace and security of the people, and ought to be resisted to the utmost,” etc.

“ In testimony whereof we have hereto set our hands, this 23d of August, 1775.”

This “ Test of Loyalty and of Patriotism ” was signed by all the members of the Congress, and among them by Thomas Polk, John McKnitt Alexander, John Pfifer, and Waightstill Avery, the delegates from Mecklenburg, who, we are told, on the previous 20th of May had declared their independence of Great Britain. Fancying himself present at the adoption of that Declaration, Dr. Hawks exclaims : “ The deed was done ; these men had pledged all they had, — lives, fortunes, honor ; and, true as steel, from that hour to this they never shrank from meeting that pledge.” What shall we say, then, of Colonel Thomas Polk, who, besides signing the Test of Loyalty, was a member of the committee which matured “ a plan for the regulation of the internal peace, order, and safety of the Province,” requiring all officers appointed under it to subscribe the same Test ? What shall we say of Waightstill Avery, who, at a later day, again subscribed this Test as a member of the North Carolina Provincial Council ? What of John McKnitt Alexander, who, notwithstanding that he supposed himself the clerk of the meeting which passed the Declaration, and the custodian of its records, is known to have protested *his* loyalty to the British crown as late as April 4, 1776, when, with his two colleagues, Robert Irwin and John Pfifer (both reputed signers of the Declaration), he put his name once more to the above-recited Test as a delegate from

Mecklenburg in the North Carolina Provincial Congress which met at Halifax in that year.* To suppose that these men had made a "Declaration of Independence" on the 20th of May, 1775, and had pledged their "lives, fortunes, and most sacred honor" to maintain it, is to affix an ineffaceable stigma to their characters, in view of what we know to have been their subsequent acts and declarations.

Nor is this all. We have already seen how his Excellency Governor Martin regarded the resolves of May 31. In his proclamation of August 8, 1775, he had denounced them as "traitorous," yea, "most traitorous," because "declaring the entire dissolution of the laws, government, and constitution of this country." This Mecklenburg manifesto is, indeed, very far from being the only publication which his Excellency in that proclamation has denounced as "seditious." But in testimony of their deep indignation at all such calumnious charges, the members of the North Carolina Congress, including the delegates from Mecklenburg, *unanimously* passed the following preamble and resolution on the 25th of August, 1775:—

"A paper purporting to be a proclamation issued by his Excellency, Josiah Martin, dated on board his Majesty's ship Cruiser, at Cape Fear River, the 8th of August instant, directed to the Moderator of the Provincial Convention at Hillsborough, being read:

"Resolved unanimously, That the said paper is a false, scandalous, scurrilous, malicious, and seditious libel, tending to disunite the good people of this province, and to stir up tumults and insurrections dangerous to the peace of his Majesty's government, and highly injurious to the character of several gentlemen of acknowledged virtue and loyalty; and further, that the said paper be burned by the common hangman."

So sedulous were the members of this Congress, including the delegates from Mecklenburg, to keep themselves in the odor of loyalty! Nor did they rest satisfied with these protestations.

As if apprehensive that some one or another of the associated Colonies then represented in the Continental Congress might wish to proceed further and faster in the widening revolt than was compatible with their own notions of duty and safety,

* See Force's American Archives, Fourth Series, Vol. V. p. 1315.

these delegates, including those from Mecklenburg, determined to take precautions against being committed to any rash measures in that direction. A plan of confederation among the insurgent Colonies had been broached by Dr. Franklin in the Continental Congress on the 21st of July, 1775, for the purpose of consolidating the desultory opposition they were then waging against British aggression, and this plan was submitted to the North Carolina Congress.* But North Carolina was not ripe for such a decisive step, and accordingly the committee appointed to consider this subject reported on the 4th of September, 1775, that they "had taken into consideration the plan of general confederation between the United Colonies, and are of opinion that the same is not at present eligible. And it is also the opinion of the committee that the delegates for this Province ought to be instructed not to consent to any plan of confederation which may be offered in an ensuing Congress, until the same shall be laid before and approved by the Provincial Congress. *That the present association ought to be further relied on for bringing about a reconciliation with the parent state, and a further confederacy ought only to be adopted in case of the last necessity.*"

The Articles of Association, adopted by the Continental Congress October 20, 1774, commence with the declaration that their adherents are "his Majesty's most loyal subjects," and expressly avow allegiance to the Crown.† Moreover, as a loose and voluntary pact of commercial non-intercourse, they had failed to meet the growing demands of the time. Here, surely, was an opportunity for the delegates from Mecklenburg, if they had declared independence on the 20th of May, 1775, to make some show of a stand in defence of their vantage-ground. But how entirely they shared the prudential views of their associates in that Congress will sufficiently appear from the fact that, in common with all the other delegates, they united in the *unanimous* adoption of an ultra-loyal address to the inhabitants of Great Britain, containing the most vehement asseverations, not only of their

* See Force's American Archives, Fourth Series, Vol. II. p. 1887; and Vol. III. pp. 189 and 196.

† Force's America Archives, Fourth Series, Vol. I. p. 913.

“loyalty,” but of their “devotion” to the British crown. A few extracts will suffice to show the temper of this document:—

“Traitors, rebels, and every harsh appellation that malice can dictate or the virulence of language express, are the returns which we receive to the most humble petitions and earnest supplications. *We have been told that independence is our object; that we seek to shake off all connection with the parent state. Cruel suggestion! Do not all our professions, all our actions, uniformly contradict this?*

“*We again declare, and we invoke that Almighty Being who searches the recesses of the human heart and knows our most secret intentions, that it is our most earnest wish and prayer to be restored with the other Colonies to that state in which we and they were placed before the year 1763, disposed to glance over any regulations which Britain had made previous to this, and which seem to be injurious and oppressive to these Colonies, hoping that at some future day she will benignly interpose and remove from us every cause of complaint.*”

The alleged signers of the Mecklenburg Declaration of Independence who were present in that body, Messrs. Polk, Alexander, Pfifer, and Avery, united in this solemn purgation of their consciences from all taint of disloyalty to the British crown. As it is impossible to believe that such men could have consented to enact a wicked farce before high Heaven, we should be willing on this ground alone to discard the fiction which plait a crown of thorns for their brows, and puts them in a pillory for all time.

We have seen that Mecklenburg County by her resolves of May 31 had departed from the forms of the British colonial government, and had set up a temporary *régime* of her own. Other counties and the entire Colony had in some respects imitated her example. But mark in the following passages of the same loyal Address how careful the members of this Congress were to guard these acts against misconstruction:—

“Whenever we have departed from the forms of the Constitution, our own safety and self-preservation have dictated the expedient; and if in any instance we have assumed powers which the laws invest in the sovereign and his representatives, it has been only in defence of our persons, properties, and those rights which God and the Constitution have made inalienably ours. As soon as the cause of our fears

and apprehensions is removed, *with joy will we return these powers to their regular channels; and such institutions, formed from mere necessity, shall end with that necessity which created them.*

"These expressions flow from an affection bordering upon devotion to the succession of the House of Hanover as by law established, from subjects who view it as a monument that does honor to human nature; a monument capable of teaching kings how glorious it is to reign over a free people. These are the heartfelt effusions of men ever ready to spend their blood and treasure, when constitutionally called upon, in support of that succession of his Majesty King George the Third, his crown, and dignity, and who fervently wish to transmit his reign to future ages as the era of common happiness to his people."

This language certainly does not sound much like "the Mecklenburg Declaration of Independence." And yet Colonel Thomas Polk, the alleged "herald" of that "Declaration," joined in this address to the British people; John McKnitt Alexander, the certifier of the "Declaration," united in these protestations of unswerving loyalty; Waightstill Avery and John Pfifer, alleged signers of the "Declaration," shared in these loyal prostrations before the British throne.* If they were honest men, that Declaration must be set down as the invention of a later age. There is not room even for interposing the deprecatory plea that these Mecklenburg delegates may possibly have been absent when this loyal Address was *unanimously* approved, for a record of absentees was kept by the secretary of the Congress, and their names do not appear in that record. In very mercy to them, as well as in justice to authentic history, we must assume that there neither *was* nor *could have been* any such a Declaration. If contemporaneous testimony makes its existence historically incredible, the subsequent acts and declarations of its reputed authors and supporters make its existence morally impossible.

We conclude, therefore, without hesitation, that the only supposition in the premises consistent with all historical prob-

* It is not insinuated that there is anything derogatory to North Carolina patriotism in these loyal professions. We are simply measuring the influence of the alleged Mecklenburg Declaration, to see if we can discern any signs of its existence at that date. "During the course of my life and until the second petition of Congress in 1775," wrote John Jay, "I never did hear any American of any class or any description express a wish for the independence of the Colonies."

ability, with all the known facts, with all contemporaneous documents, with the form and pressure of the times, with the local surroundings of the question, with all subsequent testimony as duly weighed, and with the honorable character of the men involved in these transactions, is the supposition that the so-called Mecklenburg Declaration of Independence is a spurious document ; not necessarily a document conceived in fraud, but rather, as we are bound to believe, a paper compiled by John McKnitt Alexander in an honest effort to reproduce, according to the best of his recollection, the facts and declarations contained in the genuine manifesto of May 31, after that manifesto had been forgotten, as we know it soon was. The precise terms of that manifesto in passing out of his sight had passed out of his mind, and hence it was easy for its acts and declarations to undergo a rhetorical transfiguration which, when reduced to the forms of speech, ran naturally into a travesty of the familiar phrases popularized in the common mind by the National Declaration of Independence.

It is no part, however, of *our* duty to explain the origin and genesis of the popular myth which came to be superimposed on the actual facts of history by a later tradition. It is with the actual facts that we are most concerned in this inquiry. We are, indeed, willing to believe that there *may* have been a meeting of Mecklenburg patriots at Charlotte on the 19th and 20th of May, 1775 (since it is in evidence that many meetings were held about that time) ; it may be that the news of the battle of Lexington was brought to this meeting by express ; and that on this day a Committee of Public Safety was organized under the impulse of that exciting intelligence. But a Declaration of Independence at that time is shown to be neither credible nor possible.

And this fact would have been recognized at once on the first publication of the paper in the year 1819, if it had then been known that the precisely similar paper which John McKnitt Alexander placed in the hands of General Davie *was expressly certified by its author to have been compiled from his recollections without the aid of any written records whatsoever.* This fact is not openly stated in the certificate published by his son under the signature of "J. McKnitt" in the year 1819.

Whether the certificate in the two cases was different, or whether J. McKnitt, that is, Dr. Joseph McKnitt Alexander, omitted to reproduce this important admission, we are unable to say.* The certificate attached to the "Davie copy" was published (we believe for the first time) in the North Carolina University Magazine of May, 1853, as part of an article on the Mecklenburg Declaration from the pen of the Rev. Dr. Charles Phillips, an eminent scholar of North Carolina, and at that time a Professor in the University at Chapel Hill.† This certificate as cited by him runs as follows : —

"It may be worthy of notice here to observe that the foregoing statement, though fundamentally correct, *may not literally correspond with the original record of the transactions of said delegation and court of inquiry, as all those records and papers were burnt with the house on April 6, 1800*; but previous to that time of 1800 a full copy of said records, at the request of Dr. Hugh Williamson, then of New York, but formerly a representative in Congress from this State, was forwarded to him by Colonel William Polk, in order that those early transactions might fill their proper place in a history of this State, then writing by said Dr. Williamson, in New York.

"Certified to the best of my recollection and belief, this 3d day of September, 1800.

"J. MCK. ALEXANDER."

It is greatly to be regretted that this certificate was not published at the same time that the so-called Mecklenburg Declaration was first communicated to the American public, in the

* It is now known by all interested in this historical inquiry (what was not known at first) that the name of "J. McKnitt," under cover of which the Mecklenburg Declaration appeared in the year 1819, was really nothing more than the Christian name of Dr. Joseph McKnitt Alexander, the son of John McKnitt Alexander; and in the later stages of the discussion much surprise has naturally been expressed that this gentleman, in giving publicity to a paper received from his father, should have disowned his father's name, and appeared in a masquerade. We learn, however, that the name of "Alexander" was once so common in Mecklenburg as hardly to afford the means of discriminating the individuals who bore it, and that for this reason Dr. Joseph McKnitt Alexander sometimes dropped his patronymic. He unfortunately did so in this instance, and hence the injurious suspicions that have arisen at a later day.

† The "Davie copy" is now lost or mislaid. Deposited for a time in the State Department at Raleigh, it was removed by Governor Swain for the purpose of critically inspecting it, and this critical inspection brought to light the certificate which Professor Phillips published in the North Carolina University Magazine while Governor Swain was the president of the University.

year 1819. In the presence of such a candid statement with regard to the untrustworthiness of the document, it would have been difficult to enlist the passions of men in the struggle which has been so long and so violently waged over this paper. The apochryphal recollections of an old man, who is careful to premise that they may not literally correspond with the original record, would have been received by all for what they were worth, without flinging at his head charges of forgery on the one hand, and without making them the gospel of North Carolina patriotism on the other.

It will be seen that in relegating the Mecklenburg Declaration to the domain of fable we are doing no despite to the memory of John McKnitt Alexander, and least of all are we detracting from the fame of his compatriots. It is only those who are pledged to the contrary theory who can find any difficulty in confessing their veneration for these "gray forefathers of the State." We have simply wiped the lichen and the moss from their gravestones, that we might the better place on their tombs a garland of *immortelles*.

Indeed, there is a sense in which we may be said to magnify their transcendent repute for exalted patriotism by establishing the fact that, in the pious memory of their descendants, they have been so easily converted from flesh-and-blood men into the demigods of North Carolina story. It is only men of real worth who can lend their names to cover the exaggerations of the hero-worshipping fancy, for such men alone can send forth from their personality an influence strong enough to plant in the minds of others, and especially of those who cherish their memories, what Grote, the historian, has aptly called "an *æstrus* for creating and an appetite for believing the legends of the past." It is thus that the symmetrical and majestic proportions of Washington's real character readily expand into the colossal figure which is conjured up by American pride at the mere mention of his name. It is a proof as well of Lincoln's genuine greatness as of the pitying tenderness with which his tragical and untimely end was commiserated, that he has been already canonized in our national pantheon. The popular fictions which consecrate and embellish the memories of departed heroes are rarely the inventions of a voluntary

deception. Such fictions spring up spontaneously in the breasts of men as the natural reflex of a glory that was real in their illustrious ancestors. It is enough to explain the origin of these traditions, if at the bottom of them a set of men are found peculiar enough to account for the shadows projected by the fame of their ideal exploits.* As Wordsworth sings,

“Ne’er could the boldest eulogist have dared
Such deeds to paint, such characters to frame,
But for coeval sympathy prepared
To greet with instant faith their loftiest claim.”

The patriots of Mecklenburg in 1775 would seem to have been men of this stamp and mould. Almost more than any others among their contemporaries they are shown to have had “understanding of their times.” If their fame be rested on the resolves of May 31, it is safe to say that they were foremost in the clear and logical conception which they had formed of the civil status created for the American Colonies by the address of both Houses of Parliament to the crown, adopted February 7, 1775, declaring the Colony of Massachusetts in a state of “actual rebellion;” and constructively passing the same sentence of outlawry on all the other Colonies which were giving her aid and comfort. This is glory enough for the Mecklenburg fathers, and it is a glory which cannot be plucked from their brows, even by those who would fain put a false *nimbus* around their heads. It is an inverted and illusory image which, in the shape of the long-cherished legend, looms to the eyes of their posterity, but, like other shadows, it proves the substance true.

We are well aware that in bringing this pictorial “tale of a grandfather” to the “dry light” of prosaic truth we have discharged an ungrateful office. Men are slow to give up “the mock pearls of history.” We still love to quote with a kindling enthusiasm the grand sayings which Plutarch puts in the mouths of the ancient heroes. We confess small thanks to

* What intractable materials the mythopoiesis can work into its legends we may see in a tradition preserved in the Brevard family, that their ancestor, Dr. Ephraim Brevard, was inspired to write the Mecklenburg Declaration by the Westminster Confession of Faith! The Mahabarata would have done as well if he had been supposed equally familiar with it.

Niebuhr because he has dispelled for us the splendid coruscations with which "the mythopœic fancy" has gilded the auroral dawn of the Roman Empire. With the Switzer we are loath to admit that the tale of William Tell with his bow and arrow is hardly more authentic than the story of Cock Robin, evaporated as it has been into a "solar myth" glancing from the legends of Denmark in the pages of Saxo Grammaticus, and from we know not how many chronicles besides in other lands. And if history could be properly written as poetry is written, — to express the ideally true rather than the really true, — there might be as much to admire in such superstitions of the *head* as in those "superstitions of the *heart*," without which, as the poet tells us, our human life would be poor indeed. But when, as we have shown in the case of the Mecklenburg patriots, it is the sober facts which best illustrate the true nobility of their characters, we do but perform a duty equally to them and to the Muse of History by seeking to rescue their memories from the distortions of romance.

JAMES C. WELLING.

ART. III. — THE NEW TRIALS OF THE ROMAN CHURCH.

THE year 1870, or rather the twelvemonth between its spring and the following spring, was remarkable for three important events, — the convocation of an Œcumenic Council at the Vatican, the downfall of the temporal power of the Pope, and the formation of the new German Empire. There is a full historical ring in these words. We cannot hear them without being reminded of certain facts in history with which we became familiar long before becoming familiar with the realities of actual life, and which then looked stately and imposing at a distance. How could we have hoped ever to hear the thunders of the Vatican with our own ears, or to behold a German Emperor with our own eyes? We have, indeed, a Hohenzollern now instead of a Hohenstauffen, and Papal infallibility instead of Papal supremacy; but, at any rate, we have now, as then, a militant Pope and a militant Emperor, and a contested ground between them.